

**TOWNSHIP OF WEST VINCENT
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 227-2026

**AN ORDINANCE TO AMEND THE WEST VINCENT TOWNSHIP CODE OF
ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS
FOR DATA CENTERS AND DATA CENTER ACCESSORY USES**

WHEREAS, the protection of public health, safety, and welfare is the paramount concern of West Vincent Township; and,

WHEREAS, it is the Township’s policy that development within the Township be consistent with existing community characteristics, including environmental, infrastructural, and residential considerations; and,

WHEREAS, data centers are a rapidly expanding use that is not regulated at the state level in Pennsylvania, and may exert significant impacts related to energy demand, water consumption, noise, vibration, and environmental quality; and,

WHEREAS, prudent local regulation of data centers through conditional use in designated industrial zones is necessary to ensure any such development is compatible with the surrounding community and infrastructure;

NOW, THEREFORE, the following regulations are hereby enacted.

ARTICLE 1 – GENERAL PROVISIONS

Section 1.1 Title

This Ordinance may be cited as the “Data Center Land Use Ordinance of West Vincent Township”.

Section 1.2 Purpose

It is hereby declared to be the purpose of this article to designate data centers as a conditional use exclusively in PC/LI Planned Commercial/Limited Industrial District. Although data centers are not currently regulated at the state level, the Township maintains its zoning and land use authority under the Pennsylvania Municipalities Planning Code (Title 53), and exercises that authority to protect the health, safety, and welfare of the community; to ensure development is consistent with current community characteristics; and to manage environmental, infrastructural, and land-use impacts associated with data center operations.

Section 1.3 Applicability

This ordinance applies to all proposed development of data centers in West Vincent Township.

ARTICLE II – DEFINITIONS

Article II of the West Vincent Township Zoning Code, Section 390-8, Definition of Terms, is amended to add the following definitions:

DATA CENTER – A facility primarily used for housing computer systems and associated components, including servers, data storage and processing systems, and auxiliary infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

DATA CENTER ACCESSORY STRUCTURES – Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities, pump stations, water towers, environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.

AMBIENT NOISE LEVEL – The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions, such as wind greater than three meters per second or precipitation, and then adjusting the noise level to eliminate any noise associated with then existing development of facilities. The noise level shall be established based on a test performed during a continuous seventy-two-hour time span which shall include at least one done by a qualified noise control engineer or other qualified person approved by the Township, and shall be in accordance with specifications ANSI S12.18-1994 Method II and ANSI SI.4-1971. The Township reserves the right to hire a third-party consultant to witness testing and review the results. The third-party consultant costs will be deducted from the facility operator's escrow deposit. The sound level meters used shall meet the American Standard Institute's standard for a Type I sound level meter.

DECIBEL (DB) – A unit for measuring the intensity of a sound/noise; equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure, squared to a reference pressure of 20 micropascals.

ARTICLE III – USE AND ZONING

Article XI of the West Vincent Township Zoning Code, Section 390-53B, Conditional Uses, shall be revised as follows:

(13) Data Centers and Data Center Accessory Structures subject to compliance with the regulations of §390-175.2, 390-219 and all other applicable requirements set forth in the West Vincent Township Zoning Code, Pennsylvania State Law and Federal Law.

(14) Uses not specifically provided for herein, provided that the use meets the performance standards of §390-156 of this chapter.

ARTICLE IV – REGULATIONS

Article XXIII of the West Vincent Township Zoning Code, General Regulations, shall be amended by adding Section 390-175.2 Data Centers, as follows:

Data Centers shall comply with the following:

- A. Applicants bear the burden of proof to demonstrate that all development and operational aspects of the proposed data center will not adversely affect the health, safety, welfare, or character of surrounding areas.
- B. Conditional use approval shall be valid for one year from the approval date. Extensions, not to exceed an additional one year, may be granted upon written request and a finding of continued compliance with current laws and regulations. If construction for the applied for use has not commenced within one year, the conditional use approval shall expire.
- C. Zoning Compliance and Right-of-Entry
 1. All aspects of the proposed data center and accessory structures including, but not limited to design, development, and placement, shall comply with the West Vincent Township Code of Ordinances, Chapter 148 as well as all supplemental and general regulations for the PC/LI Planned Commercial/Limited Industrial District.
 2. The Zoning Officer, Code Enforcement Officer, or duly authorized Municipal official may enter the premises or structure during normal business hours to verify or enforce provisions of this article and the conditional use approval. If premises or structure is unmanned, or, if there is reasonable cause to believe a condition exists on the premise which violates the ordinance constituting an unsafe condition, access shall be granted within 24 hours of notification to the operator/applicant.
- D. Setbacks
 1. All buildings, cooling systems, accessory facilities, and associated accessory structures must be located a minimum of one hundred and fifty (150) feet from any zoning district boundary, and a minimum of three hundred (300) feet from a residential zoning district boundary.
 2. The front yard setback for all structures shall be one hundred (100) feet.
 3. The side yard setback and the rear yard setback shall be fifty (50) feet for structures, twenty (20) feet in height or less. For every additional one (1) foot in additional height above twenty (20) feet, an additional two (2) feet of set back shall be provided.
 4. No structure, accessory equipment, or appurtenance shall occupy any required setback area, and must be located in the side and rear yards only.
- E. The maximum height for primary structures shall be sixty (60) feet. The maximum height for accessory structure shall be twenty (20) feet.

F. Noise and Vibration

1. The applicant must submit a professional pre-construction study establishing baseline ambient noise and vibration levels, as well as predicated operational impacts.
2. Noise from operations, including cooling units and backup generators, shall not exceed 45 dBA or 60 dBC at the property line adjoining any residential zone between 10:00 pm and 7:00 am, and shall not exceed 40 dBA at other times. These thresholds are consistent with health-based guidelines established by the American National Standards Institute (ANSI), the World Health Organization (WHO), and the US Environmental Protection Agency (EPA), and are intended to protect against both high-frequency and low-frequency tonal noise.
3. Following commencement of operations, an as-built noise and vibration study must be performed within six months to confirm compliance; any exceedance requires immediate mitigation.
4. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment and structures will be perceptible to the human sense of feeling beyond the property line.
5. Third-party reviews may be required at the applicant's cost.

G. Utilities and Infrastructure

1. Applicant shall submit at the time of application documentation of utility interconnection agreements verifying adequate grid capacity.
2. Applicant shall provide at the time of application an analysis of potential ratepayer impacts, including projected effects on public electric rates or service reliability.
3. Applicant shall provide at the time of application detailed estimates of daily and annual water use.
4. If connected to public water supplies, applicant shall include the time of application substantiating documentation of available capacity; for private sources, the applicant shall provide a water feasibility study.

H. Environmental Impact Assessment

1. Applicant shall submit, with the conditional use application, a comprehensive assessment that assesses all:
 - a. effects on ecosystems, stormwater, and water resources;
 - b. air quality and emissions;
 - c. energy consumption and greenhouse gas impacts; and,
 - d. infrastructure implications, including waste, heat and traffic.

I. Screening, Buffers, and Access

1. The Applicant shall provide, through the use of berming and/or landscaping, a continuous buffer along all property line, absent that portion utilized for site access, including emergency access, provided portions used for such access are not greater than thirty (30) feet in width.
2. Applicant shall enclose or screen all mechanical equipment, including generators.

J. Emergency Management

1. The Applicant shall submit an Emergency Response Plan prepared by a qualified professional. This plan shall:
 - a. be reviewed and accepted by the local fire department and emergency management services as part of the conditional use process;
 - b. include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - d. ensure that all first responders receive adequate training specific to the installed system; and,
 - e. include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.
2. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
3. No Data Center shall be approved unless the Applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

K. Decommissioning and Closure

1. Decommissioning Plan Required – At the time of application, the Applicant shall submit a Decommissioning Plan prepared by a qualified professional. This plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.
2. Financial Assurance – As part of the Decommissioning Plan, the Applicant must post a bond, escrow, letter of credit, or other financial security acceptable to the Township to cover the full cost of decommissioning and site restoration. The financial assurance shall be reviewed and adjusted bi-annually to reflect inflation and updated cost estimates.

3. Timeframe for Decommissioning – Decommissioning must begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within 18 months thereafter unless extended by the municipality for good cause.
4. Standards for Decommissioning
 - a. All above-ground structures, equipment, and accessory facilities shall be removed.
 - b. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
 - c. Disturbed soils shall be stabilized and re-vegetated.
 - d. Any utility connections shall be safely disconnected and capped.
 - e. The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

ARTICLE V – SEVERABILITY

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence or provision not been included therein.

ARTICLE VI – REPEALER

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ARTICLE VII – ENFORCEMENT

Failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ARTICLE VIII – EFFECTIVE DATE

This Ordinance shall become effective immediately upon its enactment.

ENACTED AND ORDAINED by the Supervisors of West Vincent Township, Chester County, Pennsylvania on this 15th day of June, 2026.

WEST VINCENT TOWNSHIP

By: _____
Dana Alan, Chair
Board of Supervisors

Attest: _____
Sean Clark, Township Secretary

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